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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,883	02/27/2002	Guy Middleton	101159-26405	7268
26511	7590	06/03/2005	EXAMINER	
HIGGS, FLETCHER & MACK LLP 2600 FIRST NATIONAL BANK BUILDING 401 WEST "A" STREET SAN DIEGO, CA 92101-7910			BULLOCK JR, LEWIS ALEXANDER	
			ART UNIT	PAPER NUMBER
			2195	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,883

Applicant(s)

MIDDLETON, GUY

Examiner

Lewis A. Bullock, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by BLANTS (U. S. Patent 6,732,080).

As to claim 1, BLANTS teaches a computer serve based process for matching users (users of mobile terminals) of a messaging system requiring a particular service (service / reservation / appointment) to those users of the same messaging system who have identified themselves as being capable of providing such a service (service providers), the users requiring a service (users) being required to create an item (event with location in period of time) in the messaging system including descriptive textual information (event / location entered in calendar user's calendar) concerning the service required and one or more proposed times and date (event data / stretching over seven days / selected time frame in calendar) when that service would ideally be required (col. 15, lines 47-53), the service providers (service providers) being required to create items (arrangements) including descriptive textual information (e.g. flights) concerning the service provided and a plurality of times (flight times) when the service is capable of being provided (col. 15, lines 54-67; col. 15, lines 8-33), wherein the process includes the steps of: deriving a query string from the textual and time and date information entered by the user requiring a service (via the server determining based on the entered event regarding a particular time/date of the user's calendar to book a flight); using the query string (making flight arrangements) to query the messaging system database (profile / preferences / particular service providers storing particular services) to extract relevant records identifying users offering a service of the type described and available at the relevant time and date (via the server determining available reservations with the user server providers and any information involved with the scheduling of the service); and automatically returning the information retrieved from the database to the user

requiring a service with information identifying the users offering the service (via the server returning to be displayed at the user's mobile terminal a suggestion of substitute services for handling the initial service) (col. 15, lines 8-67; col. 16, lines 2-12; col. 18, lines 28-33; col. 9, line 60 – col. 11, line 16).

As to claim 2, BLANTS teaches the messaging system is provided on one or more servers of a MSP (calendar and scheduling server) (col. 8, lines 1-30).

As to claim 4, BLANTS teaches the items created by users (appointments made in the calendar / and service providers that return a choice of times) are appointment items which automatically require a selection to be made by the user of the relevant start and end times and dates of the particular appointment (via the user selecting the date range for the event, i.e. the event stretching over seven days / return of a selection of service to be scheduled) (col. 15, lines 47-55; col. 16, line 2-12; col. 15, line 15-33).

As to claim 5, BLANTS teaches wherein users creating appointment items using the system (appointments made in the calendar / and choices of times presented by the server) are required to make a selection of whether a service is being sought or offered before the appointment item is created in the messaging system database (via the user selecting the date range for the event, i.e. the event stretching over seven days before the event is scheduled / return of a selection of service to be scheduled wherein the

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user selects the service provider such that the event is scheduled) (col. 15, lines 47-55; col. 16, line 2-12; col. 15, line 15-33).

As to claim 6, BLANTS teaches the query is performed on a subset of the messaging system database (via using the profile that indicates preferred service providers), the subset being defined by the criterion of appointments which relate only to the supply of services (wherein the preferred service providers are determined based on the type of service requested) (col. 10, lines 23-44; col. 12, lines 8-30).

As to claim 7, BLANTS teaches additional criteria are included in the derived query (via determined based on the user profile), the additional criteria being one or more of date, time, cost, location, gender, age, and common interests (col. 10, lines 23-44; col. 12, lines 8-30).

As to claim 9, BLANTS teaches the appointment item indicating the type of service required and ideal times therefor is created on (the event entered by the user based on a desired time/date), and information identifying users offering a service is returned to (information of services, i.e. booking a flight, that can handle the event/user), a mobile telecommunications device (users mobile terminal) having a calendaring function programmatically or otherwise provided thereon and capable of transmitting and receiving information to and from a computer network on which the messaging service is executing (the mobile terminal having a user calendar and communicating on

a communications network with the calendaring server and service providers) (col. 15, lines 8-67; col. 16, lines 2-12; col. 18, lines 28-33; col. 9, line 60 – col. 11, line 16).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over BLANTS (U.S. Patent 6,732,080).

As to claim 3, BLANTS teaches the creation of times (appointments made in the calendar / and choices of times presented by the server) by users both requiring and offering a service is effected over a communication connection (col. 11, lines 29-38; col. 8, lines 1-23). However, BLANTS does not teach that the connection is a remote dial-up connection. BLANTS teaches that the communication system is hybrid in nature and may be of any known hybrid design (col. 8, lines 18-23). Official Notice is taken in that a remote dial-up communication is well known in the art and therefore would be obvious in view of BLANTS in order to communicate over a telephone data connection.

As to claim 10, BLANTS teaches the communication, e.g. the transmitting and receiving, of information by the mobile telecommunications device by a communication

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system that is hybrid in nature and may be of any known hybrid design (col. 8, lines 18-23). However, BLANTS does not explicitly teach that the connection is a SMS, WAP, or iMODE connection. Official Notice is taken in that the SMS, WAP, or iMODE connections are well known in the art and therefore would be obvious in view of BLANTS in order to communicate over a telephone data connection.

As to claim 11, BLANTS teaches the mobile telecommunications device (mobile terminal) is capable of communicating directly with the messaging system (col. 16, lines 2-12).

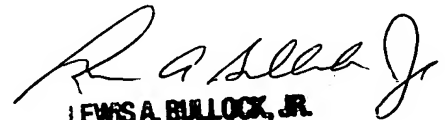
As to claim 8, BLANTS teaches the query is derived and conducted on the underlying system database (service providers) immediately on creation of the appointment item (via the server determine that an event has been entered and immediately determine what services are needed to handle the event), and information retrieved by the query is displayed (via displaying the list of substitute services / services to the user for selection) (col. 15, lines 8-67; col. 16, lines 2-12; col. 18, lines 28-33; col. 9, line 60 – col. 11, line 16). However, BLANTS does not teach that the information is displayed in an HTML or similar language format. Official Notice is taken in that it is well known in the art that data retrieved over a network is typically stored in an HTML format or similar display language format and therefore would be obvious to one skilled in the art at the time of the invention that the retrieved scheduling data is an HTML or similar display format.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

May 10, 2005